

## Background/Educational Information for Tenants

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## Background/Educational Information for Tenants

This document uses the terms 'lessee' and 'lessor' throughout.

**Lessee (tenant)** is generally defined as the person(s) to whom property is rented or leased; called a "tenant" in most residential leases.

**Lessor (landlord)** is generally defined as the person(s) or company that rents or leases property to another. In residential leasing, the lessor is often referred to as a "landlord."

## Housing Eligibility Criteria

### What are WIFrontDoorHousing's Rent Limits?

WIFrontDoorHousing was developed to help renters find **affordable** housing. Rent limits are based on WIFrontDoorHousing's policy only to list units that are determined affordable to low-income individuals and families. *Affordable* rent is generally defined as 30% of a household income. The U.S. Department of Housing and Urban Development's (HUD) criteria for low-income is households earning 80% or less of the county median income (CMI), also known as area median income (AMI).

**See "What is Affordable Housing" link off of WIFrontDoorHousing homepage for a table with rent limits for each Wisconsin County.**

**Note:** Accessible and special needs units do not need to meet rent limits to be listed in WIFrontDoorHousing.

## Rental Application Process

The standard rental process is for the lessor to have lessee fill out an application. The lessor typically needs a few days to verify the information on the application and contact the lessee. Some things to watch for in the application process are discriminatory questions (such as age, sex, marital status, race, and sexual orientation). These questions are discriminatory and cannot be used by the lessor in the rental process. **Always request a copy of the lease or rental agreement before you pay any earnest money or fill out a rental agreement.** Be sure to be complete, accurate, and honest in this application process because incomplete or inaccurate information could delay your ability to rent. Dishonesty is a reason for the lessor to deny the application. Once this application process is complete, the lessor should give the lessee a copy of the lease listing all the issues pertaining to such lease.

## Forms Related to Renting

The lessor has forms that must be completed prior to making the housing unit available to rent and by the lessee prior to entering the house. Generally, the forms are the application, lease, check-in, check-out, etc. If the lessor fails to provide the lessee with a check-in form at the start of the tenancy, or fails to provide a check-out form at the end, the lessor cannot withhold money for damages or cleaning from the security deposit when the lessee leaves.

Get permission of the lessor prior to subletting the apartment. Put sublet agreement(s) in writing. Subletting part or the entire apartment does not preclude original agreement(s), unless all parties including the lessor agree in writing to other terms.

### Resources:

For further assistance, or if a lessee has a complaint with a lessor, contact any of the following agencies: HUD (U.S. Housing and Urban Development); Milwaukee Program Operations (414) 297-3214 or the Discrimination Hotline (800) 669-9777; WHEDA (Wisconsin Housing and Economic Development Authority) (800) 334-6873; Tenant Resource Center: <http://trc.studentorg.wisc.edu>; or Legal Action of Wisconsin (800) 362-3904.

### **Disclosure of Information on Lead-based Paint or Lead-based Paint Hazards**

For rental housing built before 1978, lessor must disclose the presence of know lead-based paint and/or lead-based hazards in the dwelling. Lessee must also receive a federally approved pamphlet on lead poisoning prevention available by calling **(800) 424-LEAD (5323)** or visiting <http://www.epa.gov/lead/> or <http://www.nsc.org/library/facts/lead.htm>. The purpose of the Disclosure Rule is to protect individuals and families so they can make informed housing decisions to reduce risk of exposure to lead-based paint and/or lead-based paint hazards. [For more information, see "Lead Safety" in the "Environmental/Health Issues" section of this document.]

### **Housing Quality Standards (HQS)**

Housing Quality Standards (HQS) regulations provide performance and acceptability requirements to be met both at initial occupancy of the dwelling unit, and during the term of the assisted tenancy. HQS includes performance and acceptability criteria for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy (SROs), shared housing, and group residences (GRs).

Federally subsidized housing units should be annually inspected for quality standards to ensure they meet local codes, zoning ordinances, and, at a minimum, HUD's HQS for existing housing. The goal is to guarantee a basic level of decent, safe, and sanitary housing in order to protect the health and safety of families living in the subsidized units. Housing Quality Standards consists of the following thirteen (13) performance and acceptability requirements:

- Sanitary facilities;
- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Lead-based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke detectors.

HUD's HQS significantly expands affordable housing opportunities for families assisted under the program. The family seeking housing, the owner of the housing, the housing agencies administering affordable housing programs, and the housing inspector are all involved in the process of ensuring HQS are satisfied. If lessees notice any hazardous condition, they should describe it on the checklist and suggest that the lessor contact a competent contractor to obtain an estimate of necessary repairs.

More information on HQS can be found at: <http://www.dola.state.co.us/doh/training.htm> For HUD Housing Quality Standards, refer to: 24 Code of Federal Regulation (CFR) 982.401 or to the web: [http://www.hudclips.org/sub\\_nonhud/html/pdfforms/7420g10.pdf](http://www.hudclips.org/sub_nonhud/html/pdfforms/7420g10.pdf)

### **Discrimination in the Housing Market**

Discrimination is unfair treatment of a person or group on the basis of prejudice. Illegal discrimination in housing covers a wide variety of unlawful acts. When one or more of the following occurs and is based on a person's membership in a protected class, it/they may constitute illegal discrimination:

- Refusing to sell, rent, insure, and/or finance housing;
- Refusing to discuss the terms of the sale, rental, insurance, construction, and/or financing of housing;
- Refusing to allow inspection of housing;
- Refusing to renew a lease or causing the eviction of a tenant;

- Misrepresenting the availability of housing for sale, rent, or inspection;
- Applying different terms or conditions for the sale, rental, insurance, construction, and/or financing of housing;
- Refusing to allow reasonable modifications or accommodations for persons with disabilities;
- Printing, publishing, or displaying advertisements or notices that state or indicate a preference based on a protected class;
- Engaging in harassment, coercion, or intimidation;
- Blockbusting (the practice of inducing homeowners in a particular neighborhood to sell their homes quickly, often at a loss, by creating the fear that actual or prospective purchases by members of a minority group will bring a loss of value);
- Steering, which is restricting or attempting to restrict by word or action, an individual's housing choices; and
- Segregating by floor, building, development, or community, based on membership in a protected class.

### **What is Protected Class?**

A protected class is a group of people who share common characteristics and are protected from discrimination and harassment. Some protections have the backing of federal and/or state laws. Most people belong to most of the various protected classes. For example, every person is a member of the protected class of "sex," having a gender. The same can be said for race, color, and several other protected classes. However, many individuals may not meet the criteria for membership of the protected classes of "disability" or "veteran status."

### **Fair Housing is Your Right, Protect Yourself**

Federal and State Fair Housing Laws make discrimination illegal for lessor based on any of the following categories:

- Race;
- Sex;
- National origin/ancestry;
- Disability;
- Religion;
- Family status (household composition, including presence of children);
- Sexual orientation;
- Marital status;
- Lawful source of income; and/or
- Age.

Housing discrimination appears in many different forms. Sometimes lessors discriminate overtly by making statements to potential lessees such as "we only rent to working people," "no kids allowed," or "we don't rent to single moms." However, today housing discrimination is more often subtle and difficult to detect. Sometimes lessees leave an interaction with a lessor not knowing that they were treated differently than other people because of race, because they have children, or because they have a disability.

The following are some possible "red flags" that may indicate illegal discrimination:

- A lessee called about an apartment for rent and was told that it had been rented, while that apartment was still advertised in the newspaper or had a "for rent" sign;
- A lessee asked to make an appointment to see an apartment, and the lessor told the lessee the entire family must be brought along;
- A lessor gave the lessee confusing or contradictory information;
- A lessee was told of extremely long waiting lists;
- The lessee was told that he/she didn't meet eligibility criteria, the lessor wouldn't tell the lessee what the eligibility requirements were;
- A lessor didn't return phone calls to a potential lessee;

- The lease was not renewed for any apparent reason; and
- Lessor refused to allow the lessee to make modifications to his/her apartment to make it physically accessible for him/her.

If a lessee is concerned that he/she may have experienced a violation of Fair Housing Laws, some ways to address the problem are available. Victims of housing discrimination have the right to pursue complaints in public administration agencies, such as the Wisconsin Equal Rights Division at:

[http://www.dwd.state.wi.us/er/discrimination\\_civil\\_rights/open\\_housing\\_law.htm](http://www.dwd.state.wi.us/er/discrimination_civil_rights/open_housing_law.htm) or HUD:

<http://www.hud.gov/complaints/housediscrim.cfm>. People with housing discrimination complaints may also file lawsuits in state or federal court, or call the Metropolitan Milwaukee Fair Housing Council's **statewide** complaint intake line at (800) 647-FAIR (3247), or visit <http://www.fairhousingwisconsin.com/>.

The Fair Housing Council offers many helpful services, including:

- Counseling for persons alleging housing discrimination;
- Investigations on behalf of victims of housing discrimination; and
- Assistance in filing fair housing complaints with an administrative agency or in a court of law.

In addition, the Fair Housing Council provides educational presentations to neighborhood groups, civic and religious organizations, social service agencies, community centers, and other groups that are interested in learning more about Fair Housing Laws and housing discrimination. Contact the Fair Housing Council to schedule a presentation for your group.

### **How Should Lessor Screen Housing Application without Violating Fair Housing Laws?**

While screening is necessary to qualify lessees, the lessor must have a clear, written, screening policy and make sure that all employees involved in the rental process are aware of and follow the policy fairly and consistently with all applicants. Also, the lessor should make sure prospective lessees are aware of the rental policy and the criteria used in evaluating the application. For lessees with disabilities, the lessor may only ask questions pertaining to the disability if lessees are applying for housing constructed specially for people with disabilities, and are requesting reasonable accommodation to modify a rule, policy, or practice based on the disability. For complete rules upon which a landlord can justifiably reject an application, see Title VIII of the Fair Housing Act (FHA) of 1968 and the Fair Housing Amendments Act (FHAA) of 1988 at: [http://www.usdoj.gov/crt/housing/housing\\_coverage.htm](http://www.usdoj.gov/crt/housing/housing_coverage.htm) and at: [http://www.lsn.net/housing/fh/fh/FH\\_disability\\_2004\\_eng.pdf](http://www.lsn.net/housing/fh/fh/FH_disability_2004_eng.pdf).

### **Consumer Protection**

For basic information a lessee should know and what a lessor must disclose go to:

[http://www.datcp.state.wi.cp/consumerinfo/cp/factsheets/tenants\\_rights.html](http://www.datcp.state.wi.cp/consumerinfo/cp/factsheets/tenants_rights.html). For additional information, refer to the Housing Consumers Protection Measures Act of 1998, which includes regulations, the rules, the home building manual prescribing matter that a homebuilder has to comply with in terms of this Act. Also, visit the Tenant Resource Center (TRC) at: <http://trc.studentorg.wisc.edu/>.

### **Environmental/Health Issues**

#### **Lead Safety**

What is Lead Safety and who is affected? Lead is a highly toxic substance, exposure to which can produce a wide range of adverse health effects. Both adults and children can suffer from the effects of lead poisoning. Lead has no odor or taste, cannot be seen, and boiling water will not get rid of lead. Lead-based paint was banned nationwide for consumer use in 1978. However, lead-based paint in good condition is usually not a hazard.

#### **Where is lead found?**

- Humans are exposed to lead in many ways. The biggest source is the lead paint that is found in older homes, and both private and public apartments built before 1978;
- Inside and outside of the house;

- In the city, country; or suburbs;
- In soil around a home (from exterior paint, or past use of leaded gas in cars);
- In lead dust (especially during renovations that disturb painted surfaces);
- In household dust (dust from deteriorating lead-based paint tracked into a home);
- In drinking water. Your home might have plumbing with lead pipes or lead solder;
- On the job. If you work with lead, you could bring it home on your hands or clothes;
- On older painted toys and furniture; and
- In food and liquids stored in lead crystal or lead-glazed pottery or porcelain.

Childhood lead poisoning is much more frequent because children:

- Put their hands or other objects covered with lead dust in their mouths; and
- Eat paint chips or soil that contains lead.

### **Health Effects of Lead**

- Children's bodies absorb more lead; and
- Children's brains and nervous systems are more sensitive to the damaging effects of lead.

If lead is not detected early, children with high levels of lead in their bodies can suffer from:

- Damage to the brain and nervous system;
- Behavior and learning problems (such as hyperactivity);
- Slowed growth;
- Hearing problems; and
- Headaches.

Adults can suffer from:

- Difficulties during pregnancy;
- Other reproductive problems (in both men and women);
- High blood pressure;
- Digestive problems;
- Nerve disorders;
- Memory and concentration problems; and
- Muscle and joint pain.

### **Checking the Family and Home for Lead**

HUD has implemented a regulation to protect young children from lead-based paint hazards in housing that is financially assisted by the federal government or being sold by the government. This regulation requires dust testing after paint is disturbed to make sure the home is safe from lead and applies to housing built before 1978. Get the children and home tested if lead poisoning is suspected.

Homes can be tested in one of two ways, or both:

- A paint inspection tells the lead content of every different type of painted surface in the home, but will not tell whether the paint is a hazard or how to deal with it; and
- A risk assessment tells of any sources of serious lead exposure (such as peeling paint and lead dust) and what actions to take to address these hazards.

Have qualified professionals do the work because standards are in place for certifying lead-based paint professionals to ensure the work is done safely, reliably, and effectively. Contact the National Lead Information Center (NLIC) at **(800) 424-LEAD** (5323) for a list of certified contractors in your area.

Trained professionals use a range of methods when checking your home. Do not rely on home test kits for lead, which may not be accurate.

### **Further Actions to Protect the Family**

If you suspect that the house has lead hazards, some immediate steps can be taken to reduce the family's risk:

- If you rent, notify your landlord of peeling or chipping paint;
- Clean up paint chips immediately;
- Clean floors, window frames, window sills, and other surfaces weekly. Use a mop, sponge, or paper towel with warm water and a general all-purpose cleaner or a cleaner made specially for lead.  
**REMEMBER: NEVER MIX AMMONIA AND BLEACH PRODUCTS TOGETHER SINCE THEY CAN FORM A DANGEROUS GAS;**
- Thoroughly rinse sponges and mop heads after cleaning dirty or dusty areas;
- Wash children's hands often, especially before they eat and before nap time and bed time;
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly;
- Keep children from chewing window sills or other painted surfaces;
- If you work with lead, you could bring it home on your hands or clothes. Shower and change clothes before coming home. Wash your work clothes separately from the rest of your family's clothing;
- Clean or remove shoes before entering your home to avoid tracking in lead from soil; and
- Make sure children eat nutritious, low-fat meals high in iron and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

In addition to day-to-day cleaning and good nutrition:

- You can temporarily reduce lead hazards by taking actions such as repairing damaged, painted surfaces and planting grass to cover soil with high lead levels. These actions, called "interim controls," are not permanent solutions and will need ongoing attention;
- To permanently remove lead hazards, you must hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not enough;
- Always hire a person with special training for correcting lead problems—someone that knows how to do this work safely and has the proper equipment to clean up thoroughly. Certified contractors will employ qualified workers and follow strict safety rules set by their state or the federal government; and
- Contact the National Lead Information Center (NLIC) at **(800) 424-LEAD (5323)** for help with locating certified contractors in your area and to see if financial assistance is available.

### **Are you Planning to Buy or Let Housing Built before 1978?**

- Lessors have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure form about lead-based paint; and
- Sellers have to disclose known information on lead-based paint and lead-based paint hazards before selling a house. Sales contracts must include a disclosure form about lead-based paint. Buyers have up to ten (10) days to check for lead hazards.

### **Remodeling or Renovating a Home with Lead-based Paint**

If not conducted properly, certain types of renovations can release lead from paint and dust into the air:

- Federal law requires that contractors provide lead information to residents before renovating housing built before 1978;
- Pre-renovation and Education Rule: Renovators have to give the lessee a pamphlet titled: "Protect your Family from Lead in Your Home," before starting work and more information on the Pre-renovation and Education Rule is found in Title IV Section 406 (b) of the Toxic Substances Control Act (TSCA), enacted in 1999 by Congress;
- Take precautions before the contractor or the lessor begin remodeling or renovations that disturb painted surfaces (such as scraping off paint or tearing out walls);
- Have the area tested for lead-based paint;
- Do not use a belt-sander, propane torch, heat gun, dry scraper, or dry sandpaper to remove lead-based paint. These actions create large amounts of lead dust and fumes;
- Lead dust can remain in the home long after the work is done;
- Temporarily move the family (especially children and pregnant women) out of the apartment or house until the work is done and the area is properly cleaned. If the family cannot be moved, at least completely seal off the work area;

- Follow other safety measures to reduce lead hazards. Other safety measures are available in the EPA brochure titled, "Reducing Lead Hazards When Remodeling Your Home." [\[http://www.epa.gov/lead/rrpamph.pdf\]](http://www.epa.gov/lead/rrpamph.pdf) This brochure explains what to do before, during, and after renovations; and
- If renovations or remodeling have already been completed that could have released lead-based paint or dust, get the young children tested and follow the steps outlined to protect the family.

#### **Lead Safety Links:**

The National Lead Information Center: <http://www.epa.gov/lead/nlic.htm>

National Safety Council: <http://www.nsc.org/library/facts/lead.htm>

## **Carbon Monoxide**

What is carbon monoxide? Carbon monoxide (CO) is a colorless and odorless gas that is formed during burning of fuels, such as gasoline, kerosene, natural gas, oil, coal, or wood.

### **How Can People be Exposed to Carbon Monoxide?**

People can be exposed to dangerous levels of CO when charcoal, gas, oil, or wood is burned in poorly ventilated areas. Breathing automobile exhaust in a closed area can also result in CO poisoning. Gas-fueled furnaces and water heaters can produce dangerous CO levels if they are malfunctioning or improperly installed. Common situations for CO poisoning include:

- Using gasoline powered generators indoors;
- Idling automobiles in enclosed garages;
- Using propane heaters indoors; and
- Allowing children to ride inside enclosed truck beds.

Smoke from tobacco products also contains CO. About 50% of all CO poisoning occur in the home. Other common settings include cars, cabins, and tents. About 40% of CO poisonings occur in cars and 10% at worksites. Work exposure is more likely where fuel-powered engines are used in enclosed areas.

Exposure to low levels of this odorless gas can produce a throbbing headache, dizziness, fatigue, confusion, and shortness of breath. High exposure can result in severe headache, weakness, dizziness, nausea, irregular heartbeat, and unconsciousness. Exposure to very high levels of CO can cause seizures, coma, respiratory failure, and death. In addition to the toxic effects of CO, the gas is very flammable and high concentrations may be explosive.

### **How can I avoid carbon monoxide exposure/poisoning?**

- Have a qualified professional inspect your furnace, gas stove, and fireplace annually to make sure they work properly and have adequate ventilation;
- All homes should be equipped with CO detectors. The detectors are available at most hardware and building supply stores. These detectors function like smoke detectors and can alert you to the presence of high CO levels. Carbon monoxide detectors are not perfect and are not a substitute for proper maintenance of appliances. *Prevention is the key to avoiding CO poisoning;*
- Make sure your automobile exhaust system works properly;
- Never ride inside a camper or trailer that is being towed by another vehicle;
- Never allow an engine to run in an enclosed space, such as a garage. This includes cars, snowmobiles, motorcycles, space heaters, gasoline powered mowers, trimmers, chain saws, or generators;
- Never use a gas oven to heat your home; and
- Never use a charcoal grill indoors or in an enclosed area.

### **What should I do if I suspect a problem?**

If your CO detector alarms or if you experience any of the above symptoms stated earlier, get fresh air immediately. Call your local fire department and move everyone outdoors into fresh air. **Do not re-enter the building until it has been inspected and declared safe. If you are experiencing headaches,**



**nausea, drowsiness, or difficulty breathing, call 911. Do not drive while you are experiencing these symptoms.**

For further information, call the Wisconsin Division of Public Health/Bureau of Environmental Health at (608) 266-1120 or go to their website: [www.dhfs.state.wi.us/eh](http://www.dhfs.state.wi.us/eh)

### **Asbestos**

Asbestos is primarily used in heating insulation, pipe wrap, floor tiles, slate siding, slate shingles, and ceiling tiles. Asbestos is harmful when it is damaged and fibers enter the air. Breathing air that contains asbestos fibers over several years can increase your risks of lung cancer. If you think you may have asbestos in your home:

- Contact a certified asbestos inspector to find out what actions are needed;
- **Do not try to remove asbestos by yourself. Only trained professionals should do this work;**
- Call the Wisconsin Occupational Health Asbestos/Lead Training and Certification Unit at **(608) 261-6876** for more information; and

If asbestos is present and in **good condition**, it may be best to manage it without removal.

### **Radon**

What is radon? Radon is a naturally occurring, colorless, odorless, soil-radioactive gas that can seep into your home through cracks in concrete. Radon is the second leading cause of lung cancer after smoking, according to a report from the National Academy of Sciences: <http://www.epa.gov/iaq/radon/beirvi.html>

All homes should be tested for radon, and many hardware stores sell low-cost test kits. Your local health department may also have test kits. Be sure the kit has the words, "Meets EPA Requirements" on the package. Test the air of the lowest floor in your home that is lived in. If the radon level is less than 4 pCi/L (picocuries per liter), no action is needed. If the level is above 4 pCi/L, repeat the test or do a year-long test to find the average level in your home. **Correct the problem if the second reading is above 4 pCi/L.**

For further information or assistance call the Radon Information Center at (888) LOW-RADON (569-7236), or go to: [www.lowradon.org](http://www.lowradon.org) for a listing of local radon mitigators in your area.

### **Mold**

What is mold or mildew and how common is it? Molds are basically fungal organisms that are essential for the breakdown of dead plant and animal matter. Molds reproduce by developing microscopic particles called spores. Spores are not visible to the naked eye, and are easily carried through the air. When spores land in a moist environment with an adequate food source, mold begins to grow.

Most molds grow naturally outdoors but can be easily brought into buildings through open doors, ventilation, and air conditioning systems, as well as on pets, clothing, or shoes. Once indoors, molds grow easily, only needing moisture and a food source (damp paper products, lint, ceiling tiles, drywall, wallpaper, insulation, carpeting, fabric, upholstery, and wood) as good nutrients to grow.

People with allergies may be more sensitive to mold in the air. Other susceptible people may include asthmatics, children and infants, the elderly, or individuals with existing respiratory conditions or a weakened immune system, for example, those undergoing chemotherapy or being treated for HIV/AIDS. Symptoms of mold sensitivity are non-specific and may include nasal stuffiness, eye irritation, shortness of breath, wheezing, and, in rare cases, mold infections in the lungs. To date, no scientific evidence exists to positively link residential exposure to mold with specific toxic effects. The majority of human exposures to mold toxins have occurred from ingesting moldy food. Some occupations, such as farming and working in greenhouses, where high levels of mold can be encountered, present an inhalation exposure risk for workers.

## Smoke Free

When the needs of people who wish to smoke conflict with the needs of those who want smoke-free air, the need for smoke-free air has priority. In private residential areas where allowed, smoking will be permitted as long as all the residents of the room are in agreement. Smoking is prohibited at all times within 20 feet of the entrance to any housing building, and also in all public areas including entranceways, lounges, hallways, stairways, and restrooms. The following website provides a list of the Madison and surrounding area lessors who offer smoke-free apartments:

[http://www.smokefreeapartments.org/list\\_wisconsin.html](http://www.smokefreeapartments.org/list_wisconsin.html)

## Tenant Responsibilities and Rights

Lessor-lessee relations in Wisconsin are regulated by Chapter 704, Wisconsin Statutes, and by Chapter ATCP 134, Wisconsin Administrative Code. In addition, Chapter ATCP 125 Wisconsin Administrative Code further regulates mobile home park operator-tenant relations. Basically, the regulations describe:

- What a lessee should know before renting;
- What the lessor must disclose;
- What a lessee should know while renting and terminating a tenancy;
- Risk of eviction;
- Termination notices for lessees on leases;
- Removal from premises;
- Unhealthy and unsafe conditions; and
- What to do if a problem develops.

The Tenant Resource Center (TRC) at <http://trc.studentorg.wisc.edu>, **(877) 238-RENT (7368)**, offers free counseling for lessees and lessors interested in learning more about their rental rights and responsibilities. Information on state and local rental laws and regulations and lease screening services are available at the TRC. To assist lessees with their needs, TRC also makes referrals to other agencies when appropriate.

A very brief outline of some basic **rights** of lessees follows:

- Live in decent, safe, and sanitary housing;
- Have repairs performed in a timely manner, upon request;
- Be given reasonable notice, typically 24 hours, of any non-emergency entry into your apartment;
- Not have his/her apartment shown for re-rental until one-third of the lease term has passed;
- Equal and fair treatment without regard to race, color, religion, gender, disability status, national origin, income source, or age;
- At least a 30-day written notice of rent increases;
- At least a 30-day written notice of eviction (without cause);
- A 7-day written notice to move out if the rent payment is 7-days or more late or the property is being used in violation of the lease; and
- Have at least one operating smoke detector within your apartment, provided by the landlord.

Lessees' **responsibilities** include, but are not limited to:

- Comply with the written or verbal lease, or other agreement(s) between lessor and lessee;
- Meet requirements of subsidy programs, if any;
- Keep the rental unit clean and sanitary and in the same general physical condition as when lessees moved in;
- Lessees, family, and guests should conduct themselves in a manner that will not interfere with the peaceful and quiet enjoyment of other tenants;
- Pay the rent in full when due;
- Notify the lessor as soon as a problem or defect arises with the rental unit or services and systems;
- Allow the lessor to enter the unit to make needed repairs;
- Repair or pay for the repair of damages for which lessees are responsible;
- Give at least 30-day written notice (ending on a rent due date) of intent to move out;
- Pay the required security deposit; and

- Not damage the unit and ensure that guests do not cause damage either.

For HUD renting guidelines, go to: <http://www.hud.gov/renting>.

## Tenant Education

The “Rent Smart Education” program provides assistance for lessees to be better tenants and to manage their resources better in order to keep and maintain more adequate housing for their families, to build references, and practices for the future. Through workshops or one-on-one consultations, participants are educated on how to keep and maintain decent housing. This is done through a number of tools used in the curriculum that allow the participants to see the impact of income and expenses, spending habits, credit history, lessor/lessee communication, and rights and responsibilities toward housing. Some relevant websites are: <http://www.uwex.edu/ces/house/renting.html> and <http://www.uwex.edu/ces/house/dynamic/>. For HUD approved Housing Counseling Agencies in Wisconsin, go to: <http://www.hud.gov/offices/hsg/sfh/hcc/states/wisconsin.txt>.

## Other tips for Avoiding Rental Problems:

- Keep a rental file. The file should include the lease, addendums, check-in, check-out forms, letters to and from the lessor, housing inspection reports, notices to enter, and any documentation of repairs or security deposit problems. Get a receipt for rent payments;
- Keep notes with dates and names of any contact with the lessor regarding problems; and
- Get promises from the lessor in writing.

## Tenant Support Services

Tenant support services provide a variety of services primarily to lessees to prevent them from becoming homeless:

- Legal Action of Wisconsin, Inc., provides civil legal services for low-income persons in an 11 county area in southeastern Wisconsin. Legal Action of Wisconsin, Inc.'s goal is to help people break the cycle of poverty through safe and affordable housing by representing them in eviction defense, abusive practices, regulations relating to public and subsidized housing, housing conditions and habitability, and access to affordable housing **(608) 256-3304** [www.legalaction.org](http://www.legalaction.org);
- Wisconsin Council of Churches develops strategies for churches to support more affordable housing in their communities, and works with other faiths and housing organizations (608) 837-3108 [www.wichurches.org](http://www.wichurches.org);
- The Wisconsin Department of Commerce, Division of Community Development (DCD), Bureau of Housing (BOH), provides a "Rental Housing Guide" listing public sources of housing financial and informational assistance to low- and moderate-income families: <http://commerce.wi.gov/housing/BOH-Fact-Sheets/RentalGuide1.pdf>;
- Creative Community Living Services, Inc., offers highly individualized residential support to individuals with developmental disabilities. Creative Community Living Services, Inc., offers supportive home-care to individuals in their own apartments where they can have live-in staff if they so choose. For more information call **(920) 261-1345** <http://www.cclswi.com>;
- Inspiration Ministries serves Walworth County, Wisconsin, and offers a variety of assisted living environments. Inspiration Ministries has sixteen (16) residential facilities (private and companion rooms) offering daily nursing care, personal services, and health care services as well as a meal plan. Assisted living apartments are available for residents needing increased care services. For more information, call **(262) 275-6131** [www.inspirationministries.org](http://www.inspirationministries.org); and
- Wisconsin ServicePoint (WISP) is a web-based Homeless Management Information System (HMIS) implemented by the Wisconsin Bureau of Housing (BOH) to better understand the scope of homelessness in Wisconsin, to improve service delivery to homeless persons, and to evaluate the effectiveness of service interventions. For more information about Wisconsin ServicePoint, please visit the WISP web page at: <http://commerce.wi.gov/housing/cd-boh-WISP-home.html>

## Subsidized Housing Eligibility

Subsidized housing is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the public and private markets. Four types of subsidized housing are available, which could be privately or publicly owned:

### Public Housing

Units are owned and operated by local Public Housing Agencies (PHAs). The units are leased to low-income and very low-income persons and families. Utilities are included in the rent.

### Section 8 Housing Choice Vouchers

Section 8 is a **tenant-based** rental assistance where a household or individual carries the rental subsidy with him/her to another unit, even if he/she moves to a different county or out of the state. Local Public Housing Authorities administer Section 8 vouchers. Utilities are **not** included in the rent. For more information, visit the HUD website: <http://www.hud.gov/offices/hsg/mfh/rfp/s8bkinfo.cfm>

### Section 8 New Construction

Rents are subsidized through the **project-based Section 8 program**. The Section 8 New Construction Program was established by HUD to provide rental assistance in connection with the development of newly constructed or substantially rehabilitated privately owned rental housing. To apply, contact the property manager at individual apartment sites.

### Section 42 Affordable Housing Tax Credits

Developers get tax breaks for agreeing to keep rents "affordable." For more information, visit: <http://www.nahro.org/home/resource/credit.html> and <http://www.hud.gov/offices/cpd/affordablehousing/training/lihtc/index.cfm>

### Eligibility

The first step in obtaining a housing subsidy is to find out whether you are eligible for assistance. Initial eligibility is based on the following:

- United States citizen or non-citizen with eligible status; and
- A family of two or more persons where the head of the household is 18 years of age or older; or a single person who is either over the age of 62, or who is considered disabled/handicapped.

Another eligibility factor is the household annual income limit. Income limits are calculated for specific geographic areas and are based on HUD estimates of county median income (CMI) with adjustments for family size. CMI is used to determine the eligibility of applicants for both federally and locally funded programs. CMI sets the maximum limit that a household can earn to be eligible for housing assistance as shown in the 2004 HUD Household Income limits in Wisconsin:

<http://www.huduser.org/datasets/il/il04/hud04wi.pdf>. People at or below the 50 percentile of the CMI are eligible to apply for the rental assistance program. The "affordability calculator helps you determine fair rent in a county: <http://www.affordablehousingonline.com/affordit.asp>.

Remember, being eligible does not mean someone automatically receives assistance. The application process must be completed and lessees may have to spend some time on a waiting list. Rent paid is based on "Adjusted Income," not "Gross Income." Vouchers normally issued for sixty (60) days can be extended to one hundred twenty (120) days. For an explanation of how tenant share is calculated, see the Voucher sections on HUD 24 CFR Part 982. All Section 8 tenants are reviewed annually (re-certified) to determine any changes in family income, deductible allowances, and family composition. For more information, visit: [http://www.access.gpo.gov/nara/cfr/waisidx\\_00/24cfr982\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/24cfr982_00.html)

## Appeals

If someone has been turned down for public housing or a Section 8 voucher, he/she should contact the Housing Counselor who processed the original application and ask to submit a "Right to Informal Hearing." Regulations are found in 24 CFR Part 982.

## Tenant Assistance

The following organizations provide assistance or advocacy for individuals living or seeking to obtain federal subsidized housing:

Wisconsin Affordable Housing Corporation (608) 833-0220;  
CAP Services, Inc. (715) 343-7135: <http://www.capserv.org>  
Community Action Coalition (CAC) (608) 257-0853: <http://www.cacscw.org>; and  
The Tenant Resource Center (TRC) (608) 242-7406 or (877) 238-RENT (7368)  
<http://trc.studentorg.wisc.edu>.

Complete listing of the Section 8 available apartments can be obtained by contacting the Public Housing Authority near you.

## Section 8 Housing Choice Voucher Homeownership:

The Housing Choice Voucher Homeownership Program allows families who are receiving the Section 8 rental assistance to use that assistance to help pay the mortgage on a home they buy. **Eligibility:** In order to qualify, families must be first-time homebuyers, and must have completed a 1-year lease in the Section 8 rental assistance program.

## Housing Resources for People with Disabilities

Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself."

Regardless of whether you live in private or public housing, Federal law:

- Prohibits discrimination against persons with disabilities;
- Requires housing providers to make reasonable accommodations for persons with disabilities;
- Requires housing providers to allow persons with disabilities to make reasonable modifications; and
- Requires that new covered multi-family housing be designed and constructed to be accessible.

Fair Housing Laws protect persons with disabilities. Lessor cannot:

- Discriminate on the basis of a disability;
- Refuse to let the lessee make "reasonable modifications" (lessor may require that the tenant pay for the modifications) to the dwelling or common-use areas, at lessee's expense; and
- Refuse to make "reasonable accommodations" (i.e. assigning closer parking spaces) in rules, policies, practices, or services if necessary for full use and enjoyment of the housing.

Lessee is responsible for requesting a "reasonable accommodation" in writing. Lessee should keep a record if he/she thinks his/her Fair Housing rights have been violated. For complaints or questions regarding HUD's Fair Housing policies: <http://www.hud.gov/offices/ftheo/promotingfh/atyourservice.cfm>

## Three special types of vouchers are available to people with disabilities

<http://www.hud.gov/offices/pih/programs/hcv/pwd/>

### Mainstream Vouchers

For elderly and non-elderly families that have a person with disabilities.

### **Designated Housing Vouchers**

For non-elderly families, who would be eligible for public housing if occupancy were not restricted to elderly households.

### **Certain Development Vouchers**

For non-elderly families with a disabled person, who does not currently receive housing assistance in certain developments where owners establish preferences for, or restrict occupancy to, elderly families.

To file a complaint or for information on how HUD processes housing discrimination complaints, see: <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

The following agencies help people with disabilities:

- The Wisconsin Council on Developmental Disabilities (WCDD) works to make Wisconsin a better place for people with developmental disabilities to live, learn, work, and belong in the community. The WCDD's priority is, among other things, to help people find accessible, affordable housing. Resources such as "A Guide to New Construction for People with Disabilities" and "A House-Buying Guide for People with Disabilities" are available at the WCDD at **(608) 266-7826**, <http://www.wcdd.org>;
- The Wisconsin State Independent Living Council (SILC) promotes independent living for persons with disabilities throughout Wisconsin. More information on SILC is available at (608) 261-08397 <http://www.wisilc.org>;
- The Wisconsin Independent Living Centers (ILC) provide an array of services including peer support, information and referral, independent living skills training, advocacy, community education, and personal care and service coordination. Listing of the State's ILC is available at : <http://dhfs.wisconsin.gov/disabilities/physical/ilcs.htm>; and
- Movin' Out, Inc., helps create opportunities for people with disabilities and their families to maintain their own homes in housing of their choices **(608) 251-4446** <http://www.movin-out.org>.

### **Energy Efficiency**

Wasting energy is money down the drain. Saving energy will reduce energy costs, reduce damage to the environment, provide better living conditions at home, and enable the money to be spent on other needs within a family.

Cap Services, Inc., Division of Energy, <http://www.doa.state.wi.us/energy/documents/wxserviceproviders.pdf>, contracts with local agencies (community action agencies, housing authorities, tribes, local governments, and other non-profit organizations) to provide basic weatherization services to lessees receiving HUD funds assistance to:

- Reduce home heating bills;
- Save energy; and
- Make your home warmer in the winter and cooler in the summer.

If lessee is eligible for weatherization services, an energy auditor will look at your housing unit to see what can be done to make it more energy efficient. Some common weatherization services include:

- Insulate attics, walls, and floors;
- Insulate or replace water heater;
- Install energy efficient lighting;
- Reduce air leakage;
- Repair or replace furnace;
- Test and/or replace refrigerator;
- Health and safety inspection; and
- Information about maintenance and energy conservation.

Lessee may be eligible for weatherization services if:

- He/she received benefits from Wisconsin's Home Energy Assistance Program (WHEAP: <http://www.homeenergyplus.wi.gov>) during the last heating season. A person who receives WHEAP benefits is given priority for weatherization services;
- A member of his/her household has received Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI), regardless of his/her income;
- Lessee is a homeowner, renter, or lives in a mobile home, duplex, or apartment building;
- Lessee is a Wisconsin resident who receives electricity from a participating utility company (see list of participating electric providers at: [http://www.renewwisconsin.org/pubben/pubben.html#partic\\_util](http://www.renewwisconsin.org/pubben/pubben.html#partic_util)); and
- Lessee's gross income for the last three (3) months is equal to or less than the amount shown for a family size in the table below.

Family Size	Family Income for the Last 3 Months
1	\$3,491.25
2	\$4,683.75
3	\$5,876.25
4	7,068.75
5	8,261.25
6	9,453.75
7	10,646.25
8	11,838.75

Contact your county Department of Social Services or Human Services Department to apply for weatherization services or to check eligibility for assistance in paying home heating bills.

If you are over the above income limits, but still need some help, call **(800) 762-7077** and ask about Targeted Home Performance with Energy Star Program or visit: [www.focusonenergy.com](http://www.focusonenergy.com)